IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12197 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AMBALAL SARABHAI ENTERPRISES LTD

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 12197 of 2002
   MR MIHIR H JOSHI for Petitioner No. 1-2
   MR ASIM J PANDYA for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and

HON'BLE MR.JUSTICE SHARAD D.DAVE

Date of decision: 08/10/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

Mr.Mihir Joshi, learned counsel for the petitioners submitted that this petition is squarely covered by decision of the Division Bench of this court in case of Banian & Berry Bearing Pvt. Ltd. v. UOI reported in 2002(105) ECR 288 (Gujarat).

However, learned Standing Counsel, Mr.Jitendra Malkan appearing for the respondents stated at the Bar that if the petitioners approach the Assistant Commissioner, Central Excise & Customs, Division-III, Vadodara by way of proper representation against the impugned order dated 5.12.2002 (Annexure-B), then the same shall be considered and decided by the concerned authority in accordance with law by a brief reasoned order dealing with the contentions raised in the representation of the petitioners.

In view of the above, learned counsel Mr.Joshi for the petitioners seek permission to withdraw this petition, at this stage, with a liberty to file proper representation before the concerned authority. If such a representation is made to the concerned authority within one month from today, then the same shall be decided in accordance with law by the concerned authority by a brief reasoned order dealing with the contentions raised in the representation. If the order is adverse, then the same shall not be implemented for a period of 4 weeks from the date of the receipt of the same by the petitioner.

With these observations and directions, permission is granted. Disposed of as withdrawn, at this stage. Rule is discharged. Interim relief granted earlier shall continue till the concerned authority takes the decision, subject to aforesaid.

(B.J.Shethna, J.)

(Sharad D. Dave, J.)

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